



**MISSOURI
DEPARTMENT
OF NATURAL
RESOURCES**

**Title 10--DEPARTMENT OF NATURAL RESOURCES
Division 25--Hazardous Waste Management Commission
Chapter 19--Electronics Scrap Management**

10 CSR 25-19.010 Electronics Scrap Management

Purpose: This rule clarifies the responsibilities of computer equipment manufacturers, retailers, recyclers and the department for providing recycling or reuse of certain consumer electronic equipment at no additional cost. The rule contains procedures for manufacturers to submit and implement recovery plans, and standards for recyclers that process equipment collected under the recovery plans.

(1) Definitions

The following terms, when used in this rule, have the following meanings.

(A) Brand--The name, symbol, logo, trademark, or other information that identifies a whole product rather than the components of the product.

(B) Consumer--An individual who uses computer equipment that is purchased primarily for personal or home business use.

(C) Covered Equipment--Electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions. Equipment includes a desktop, notebook or laptop computer, including a computer monitor or other display device that does not contain a tuner, and the accompanying keyboard and mouse associated with the computer of the same manufacturing brand.

1. Desktop computer--A computer with a main unit that is intended to be located in a permanent location, often on a desk or on the floor

2. Notebook or laptop computer--A computer with an incorporated video display greater than four inches in size measured diagonally and can be carried as one unit by an individual.

A notebook computer is sometimes referred to as laptop computer, or tablet computer.

(D) Manufacturer--A person, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, or any other legal entity whatever which is recognized by law as the subject of rights and duties:

1. who manufactures or manufactured covered equipment under a brand that:

A. the person owns or owned; or

B. the person is or was licensed to use, other than under a license to manufacture covered equipment for delivery exclusively to or at the order of the licensor;

2. who sells or sold covered equipment manufactured by others under a brand that:

A. the person owns or owned; or

B. the person is or was licensed to use, other than under a license to manufacture covered equipment for delivery exclusively to or at the order of the licensor;

3. who manufactures or manufactured covered equipment without affixing a label with a brand;

4. who manufactures or manufactured covered equipment to which the person affixes or affixed a label with a brand that:

A. the person does not or has not owned; or

B. the person is not or was not licensed to use; or

5. who imports or imported covered equipment manufactured outside the United States into the United States, unless at the time of importation the company or licensee that sells or sold the covered equipment to the importer has or had assets or a presence in the United States sufficient to be considered the manufacturer.

(E) Recycler-- A person or group that engages in recycling of covered equipment.

(F) Recycling-- The transforming or remanufacturing of unwanted covered equipment into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include energy recovery or energy generation by means of combusting of unwanted covered equipment with or without other waste.

(G) Retailer--A person who owns or operates a business that sells new computer equipment, including sales through a sales outlet, the Internet, or a catalog, whether or not the seller has a physical presence in this state.

(H) Reuse--The use of a used product or part of a used product, which has been recovered or diverted from the solid waste stream, for its original intended purpose.

(I) Tuner--An electronic device or circuit used to select signals at a specific frequency for amplification and conversion to pictures or sound.

(2) Applicability

(A) The collection, recycling, and reuse provisions of this rule apply exclusively to covered equipment used by an individual primarily for personal or home business use and returned to the manufacturer by a consumer or collected by a manufacturer in this state.

(B) This rule does not apply to:

1. a television, any part of a motor vehicle, an automated typewriter or typesetter, a portable handheld calculator, a personal digital assistant, a printer, or a telephone; or
2. a consumer's lease of computer equipment or a consumer's use of computer equipment under a lease agreement.

(C) This rule applies to the following persons, as defined in this rule:

1. manufacturers;
2. retailers;
3. consumers; and
4. recyclers.

(D) Facilities involved, under this rule, in the collection of used covered equipment for recycling or the recycling of used covered equipment must be in compliance with this rule.

(3) Manufacturer Responsibility

(A) Before a manufacturer may offer covered equipment for sale in this state, the manufacturer shall:

1. adopt and implement a recovery plan approved by the department;
2. affix a permanent, readily visible label to the covered equipment with the manufacturer's brand(s); and
3. comply with reporting requirements of this rule.

(B) The recovery plan shall be submitted on forms provided by the department and shall enable a consumer to recycle covered equipment without paying a separate fee at the time of recycling and must include provisions for:

1. the manufacturer's collection from a consumer of any used covered equipment labeled with the manufacturer's brand(s);

2. recycling or reuse of covered equipment collected under paragraph 1. of this subsection, including information for the consumer on how and where to return the covered equipment labeled with the manufacturer's brand(s) at no cost to the consumer. This information must include, at a minimum, an Internet link that consumers can access to find out specifically how and where to return the covered equipment labeled with the manufacturer's brand(s). If the Internet link is going to change, the manufacturer shall notify the department of what the new Internet link will be at least 30 days in advance;

3. method or methods of collection of covered equipment that is:

- A. reasonably convenient and available to consumers in this state; and

- B. designed to meet the collection needs of consumers in this state;

4. a statement that there will be no separate fee required to be paid by the consumer for collection service.

5. contact information of authorized collection providers;

6. identifying processes and methods used to recycle covered equipment and the facility(ies) location(s), including the identification of which recycling standard of section (7)(B) each facility will implement. This would include information that enables the department to determine if the recycling facility is following standards identified in the law and regulation;

7. describing the public information campaign for consumers;

8. graphically representing any brand(s) sold by the manufacturer; and

9. a copy of existing or proposed Web page that provides the recycling information to the consumer.

(C) Reasonably convenient collection of covered equipment generally reflects the level of effort exerted for the purchase of the covered equipment. The following collection methods, alone or combined, meet the convenience requirements of this section:

1. a system by which the manufacturer or the manufacturer's designee offers the consumer a system for returning covered equipment by mail, without the consumer having to pay any mailing, shipping, handling, or any other cost directly related to mailing;

2. a system by which the manufacturer or the manufacturer's designee offers the consumer direct pick up of the covered equipment;

3. a system using physical collection sites or alternate collection services that the manufacturer or the manufacturer's designee keeps open and staffed and to which the consumer may return covered equipment. At a minimum, there shall be one collection site located in each city or town with a population greater than ten thousand;

4. a system using a minimum of one collection event held by the manufacturer or the manufacturer's designee at which the consumer may return covered equipment. Collection event(s) shall, at a minimum, be located in each city or town with a population of greater than five thousand or per county or per solid waste district;

5. a system by which the manufacturer or the manufacturer's designee offers a designated drop-off facility within a thirty (30) mile radius of retailer and to which the consumer may return covered equipment;

6. a system by which the manufacturer or the manufacturer's designee offers a designated local recycler within a thirty (30) mile radius of retailer and to which the consumer may return covered equipment; or

7. other method approved by the department.

(D) Collection services under this section may use existing collection and consolidation infrastructure for handling covered equipment and may include electronic recyclers and repair shops, recyclers of other commodities, reuse organizations, not-for-profit corporations, retailers, recyclers, and other suitable operations. Other suitable operations include, but are not limited to, local governments and solid waste management districts as established in section 260.305, RSMo. Collection services may include systems jointly managed by a group of manufacturers, electronic recyclers and repair shops, recyclers of other commodities, reuse organizations, not-for-profit corporations, retailers, recyclers, and other suitable operations. If a manufacturer or its designee offers a mail-back system as described in section (3)(C)1. of this rule, either individually or by working together with a group of manufacturers or by working with others, it shall be deemed to meet the convenience requirements of this section.

(E) The manufacturer:

1. shall include collection, recycling, and reuse information on the manufacturer's publicly available Internet site, including a list of all of the manufacturer's brands both in use and no longer in use;

2. shall provide to the department a recovery plan in accordance with this rule and notification of the date by which that the manufacturer has, or will have a compliant collection program. In order to be eligible for the department's list of manufacturers that have approved recovery plans and have notified the department of the date by which they have or will have a compliant collection program, a manufacturer must submit its recovery plan and notification no later than July 1, 2010; and

3. may include collection, recycling, and reuse information in the packaging or in other materials that accompany the manufacturer's covered equipment when the covered equipment is sold.

(F) Information about collection, recycling, and reuse on a manufacturer's publicly available Internet site does not constitute a determination by the department that the manufacturer's recovery plan or actual practices are in compliance with this rule or other law.

(G) On forms provided by the department, each manufacturer that has submitted a recovery plan shall submit an annual recycling report to the department by January 31 of each year after submitting a recovery plan that includes:

1. the weight of covered equipment collected, recycled, and reused during the preceding calendar year;

2. documentation verifying the collection, recycling, and reuse of that covered equipment in a manner that complies with federal, state and local laws; and

3. any changes to their recovery plan.

(H) If more than one person is a manufacturer of a certain brand of covered equipment, any of those persons may assume responsibility for and satisfy the obligations of a manufacturer under this rule for that brand. If none of those persons assumes responsibility or satisfies the obligations of a manufacturer for the covered equipment of that brand, the department may consider any of those persons to be the responsible manufacturer for purposes of this rule.

(I) The obligations under this rule of a manufacturer who manufactures or manufactured covered equipment, or sells or sold covered equipment manufactured by others, under a brand that was previously used by a different person in the manufacture of the covered equipment, extend to all covered equipment bearing that brand regardless of its date of manufacture.

(4) Retailer Responsibilities

(A) A person who is a retailer of covered equipment shall not sell or offer to sell new covered equipment in this state unless the equipment is labeled with the manufacturer's brand(s) and the manufacturer is included on the department's list of manufacturers that have approved recovery plans and have notified the department that they have a compliant collection program.

(B) Retailers may go to the department's Internet site and view all manufacturers that are listed as having approved recovery plans and having notified the department that they have a compliant collection program. Covered equipment from manufacturers on that list may be sold in or into the state.

(C) A retailer is not required to collect covered equipment for recycling or reuse under this rule unless the retailer is also a manufacturer as defined in this rule. This does not mean that a retailer who is also a manufacturer has to collect covered equipment at a retail outlet.

(D) A retailer may assume the responsibility of the manufacturer if the retailer wants to sell covered equipment of a manufacturer that does not have an approved recovery plan.

(5) Sound Environmental Management

(A) Covered equipment collected under this rule must be recycled or reused in a manner that complies with federal, state, and local law.

(B) The department adopts, as standards for recycling or reuse of covered equipment under this rule, the standards in "Electronics Recycling Operating Practices" as approved by the board of directors of the Institute of Scrap Recycling Industries (ISRI), Inc., April 25, 2006, and "Responsible Recycling ("R2") Practices for Use In Accredited Certification Programs for Electronics Recyclers" issued by the U.S. Environmental Protection Agency. The adopted standards apply to covered equipment used by an individual primarily for personal or home business use and returned to the manufacturer by a consumer or collected by a manufacturer in this state and do not impose any obligation on an owner or operator of a solid waste facility.

AUTHORITY: sections 260.1053, 260.1059, 260.1062, 260.1065, 260.1074, 260.1089, and 260.1101 RSMo Cum. Supp. 2008

PUBLIC ENTITY COST: *This proposed amendment will cost the Department of Natural Resources \$68,643 in the first year of implementation and annually thereafter. The costs are detailed in the attached Public Entity Fiscal Note.*

PRIVATE ENTITY COST: *This proposed amendment will cost computer manufacturers \$7,182,209 annually to recycle covered electronic equipment. The costs are detailed in the attached Private Entity Fiscal Note.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule beginning at 10:00 a.m. on October 15, 2009 at the Department of Natural Resources Elm Street Conference Center, Bennett Springs/Roaring River Conference Room, 1730 East Elm Street, Jefferson City, Missouri 65101. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Missouri Hazardous Waste Management*

Commission at (573) 751-2747. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m. October 22, 2009. Written comments shall be sent to the Director of the Hazardous Waste Program at P.O. Box 176, Jefferson City, Missouri, 65102-0176. Email comments shall be sent to dennis.hansen@dnr.mo.gov. To be accepted, written comments must be postmarked by midnight on October 22, 2009.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.